THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24232 of 2006

Dated:22.11.2006

Between
1.Sri Srinivasa Traders rep., by its
Proprietor Maddula Raghavendra Kumar

.....Petitioner

and

1.The Assistant Supply Officer,
Circle-I, Vijayawada, Krishna Dist
and others.

...Respondents

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W.P.No.24232 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st and 2nd respondents in seizing 170.25 quintals of rice of the 1st petitioner and Auto bearing No. AP 04-U-4818 of the 2nd petitioner under panchanama dated 15.11.2006, as illegal and arbitrary.

It is the case of the 1st petitioner that he is a Trader, and carrying on rice business at Bhavanipuram, Vijayawada with valid licence for the last two years without any complaint from anybody. While so, on 15.11.2006 at about 9.00 P.M, 1st and 2nd respondents along with Sub Inspector of Police, A.G.S, Vijayawada came to his shop in his absence and questioned his clerk about the business activity, alleging

that he is purchasing rice from fair price shop dealers, mills and sundry shops illegally. The allegations made against him are not correct. Further, without following any procedure and without giving any opportunity, the 1st respondent as seized 170.25 quintals of rice and one Auto bearing No. AP 04-U-4818, which belongs to the 2nd petitioner, on the aforesaid allegations under a panchanama.

Prima facie, I am of the opinion that initiating proceedings under Section 6-A may not be proper and the respondents are supposed to invoke criminal proceedings if the rice bought by the 1st petitioner relates to the PDS rice etc.

In view of the above, the respondents are directed to release,

(a) 170.25 quintals of rice subject to condition of the 1st petitioner furnishing third party security for half of its value; and

(b) Auto bearing No. 04-U-4818 subject to an undertaking by the 2nd petitioner that he shall not alienate, create any third party interest or alter the nature of the vehicle during

pendency of the proceedings either under Section 6-A of the Essential Commodities Act or criminal proceedings, if any, to be launched by the respondents.

Writ petition is disposed of accordingly. No costs.

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22-11-2006

Note:
Issue CC by two days.
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